



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/972,855      | 10/10/2001  | Yoshiaki Sugizaki    | 04329.2686          | 5564             |

7590 08/01/2002

Finnegan, Henderson, Farabow  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, DC 20005-3315

EXAMINER

COSTANZO, PATRICIA M

ART UNIT

PAPER NUMBER

2811

DATE MAILED: 08/01/2002

#6

Please find below and/or attached an Office communication concerning this application or proceeding.

NP

|                              |                      |                    |
|------------------------------|----------------------|--------------------|
| <b>Office Action Summary</b> | Application No.      | Applicant(s)       |
|                              | 09/972,855           | SUGIZAKI, YOSHIAKI |
|                              | Examiner             | Art Unit           |
|                              | Patricia M. Costanzo | 2811               |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1 - 20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 1 - 20 are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

|   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Election/R strictions*

This application contains claims directed to the following patentably distinct species of the claimed invention:

Embodiment 1 of Figure 1  
Embodiment 2 of Figure 2  
Embodiment 3 of Figure 3  
Embodiment 4 of Figure 4  
Embodiment 5 of Figure 5  
Embodiment 6 of Figure 6  
Embodiment 7 of Figure 7  
Embodiment 8 of Figure 8  
Embodiment 9 of Figure 9  
Embodiment 10 of Figure 10  
Embodiment 11 of Figure 11  
Embodiment 12 of Figure 12  
Embodiment 13 of Figure 13  
Embodiment 14 of Figure 14  
Embodiment 15 of Figure 15  
Embodiment 16 of Figure 16  
Embodiment 17 of Figure 17  
Embodiment 18 of Figure 18  
Embodiment 19 of Figure 19  
Embodiment 20 of Figure 20  
Embodiment 21 of Figure 21  
Embodiment 22 of Figure 22  
Embodiment 23 of Figure 23  
Embodiment 24 of Figure 24

Embodiment 25 of Figure 25

Embodiment 26 of Figure 26

Embodiment 27 of Figure 27

Embodiment 28 of Figure 28

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

Any inquiry concerning this communication should be directed to Patricia Costanzo at 703 305 5675 on Monday – Friday from 8:00 A.M. – 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful Supervisory Primary Examiner Tom Thomas can be reached at 703 308 2772.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist at 703 308 0956.

Papers may be faxed directly to Examiner at 703 745 2002.

Using facsimile machines to transmit correspondence is encouraged. The official Technical Center 2800 before-final FAX number is 703 872 9318 and the after-final FAX number is 703 872 9319. These FAX numbers will provide the FAX sender with an auto-reply verifying receipt of their FAX by the United States Patent and Trademark Office. If there should be a problem while faxing to the Office, please contact Technical Center 2800 Customer Service at 703 306 3329.

pmc  
July 29, 2002

*Tom Thomas*  
TOM THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800